

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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BRIGHT PEOPLE FOODS DBA DR.
MCDUGALL'S RIGHT FOODS,

Plaintiff,

vs.

ALLIANCE SALES & MARKETING MW,
INC., and DOES 1 TO 20,

Defendants.

R & M INNOVATIONS LLC,

Plaintiff,

vs.

ALLIANCE SALES & MARKETING MW,
INC., and DOES 1 TO 20,

Defendants.

No. 2:24-cv-00060 WBS AC

ORDER RE: MODIFICATION OF
SCHEDULING ORDER

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Before the court is defendants' motion to modify the
Scheduling Order. (Docket No. 38.) Federal Rule of Civil
Procedure 16(b)(4) allows the court to modify its scheduling

1 order for good cause. The "good cause" standard focuses
2 primarily on the diligence of the party seeking the amendment.
3 Johnson v. Mammoth Recreations, Inc., 975 F.3d 604, 609 (9th Cir.
4 1992). "Although the existence or degree of prejudice to the
5 party opposing the modification might supply additional reasons
6 to deny a motion, the focus of the inquiry is upon the moving
7 party's reasons for seeking modification." Id.

8 Defendants' counsel requests extensions of various
9 dates in the Scheduling Order (Docket No. 16) on the grounds that
10 plaintiff's counsel has refused to provide availability for
11 outstanding depositions. (See Docket No. 38 at 2-5.)
12 Plaintiff's counsel opposes these modifications to the Scheduling
13 Order because they were unavailable to conduct depositions on the
14 dates defendants' counsel requested to conduct them. (See Docket
15 No. 42 at 2-3.)

16 Defendants appear to have been sufficiently diligent to
17 support a finding of good cause to modify the current Scheduling
18 Order. Accordingly, the Scheduling Order is modified in the
19 following manner:

20 1. Section IV of the Scheduling Order is modified in the
21 following manner:

22 a. The parties shall disclose experts and produce
23 reports in accordance with Federal Rule of Civil Procedure
24 26(a)(2) no later than **December 19, 2025**.

25 b. With regard to expert testimony intended solely
26 for purposes of rebuttal, those experts shall be disclosed and
27 reports produced in accordance with Federal Rule of Civil
28

1 Procedure 26(a)(2) on or before **January 29, 2026**.

2 c. All discovery, including depositions for
3 preservation of testimony, is left open, save and except that it
4 shall be conducted as to be completed by **February 26, 2026**. All
5 motions to compel discovery must be noticed on the magistrate
6 judge's calendar in accordance with the local rules of this Court
7 and so that such motions may be heard (and any resulting orders
8 obeyed) not later than **February 26, 2026**.

9 2. Section V of the Scheduling Order is modified in the
10 following manner:

11 a. All motions, except motions in limine, motions for
12 continuances, temporary restraining orders, or other emergency
13 applications shall be filed on or before **March 12, 2026**.

14 3. Section VI of the Scheduling Order is modified in the
15 following manner:

16 a. The Final Pretrial Conference is set for **May 18,**
17 **2026** at 1:30 p.m.


18 4. Section VII of the Scheduling Order is modified in the
19 following manner:

20 a. The jury trial is set for **September 1, 2026** at
21 9:00 a.m.

22 5. All other matters discussed in the May 29, 2024
23 Scheduling Order shall remain unchanged.

24 IT IS SO ORDERED.

25 Dated: December 8, 2025

26 
27 **WILLIAM B. SHUBB**
28 **UNITED STATES DISTRICT JUDGE**